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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,178	04/02/2004	Karl-Heinz Boehm	5029.1010	6089
23280	7590	10/31/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			HOANG, TU BA	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/817,178	Applicant(s) BOEHM, KARL-HEINZ	
	Examiner Tu Ba Hoang	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendments/Arguments

Applicant's arguments filed September 21, 2005 have been fully considered but they are not persuasive as for the following reasons:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cock (EP 0878,667) cited by the Applicant. Cock (EP'667) shows a cycling of a heating element 4 in a baking oven (Figure 1) having oven temperature sensor 12 and an exhausted fumes duct 7 provided with catalyst temperature sensor 15, in which the heating element is controlled by an electronic controller 13 which receives signals from the catalytic temperature sensor 15 at an oxidation catalyst 11 and from the oven temperature sensor 12, wherein when the oven temperature initially rises and volatile substances are vaporized, resulting in an exothermic reaction at the catalyst 11, the heating element 4 is switched off (i.e., at least at a first control state being reached when the catalyst temperature is higher than an oven chamber temperature), and when a substantial amount of the volatile soil has been evaporated with the catalyst temperature fall, the controller 13 switches the heating element 4 back on with the self-cleaning operation also is terminated as the fixed temperature in the oven having been reached or a fixed temperature differential between the catalyst temperature and the oven temperature having been achieved (i.e., oven chamber temperature is maintained substantially constant as the control state being reached when the temperature difference between the catalyst temperature and the oven chamber temperature is at least greater than or equal to a threshold value). The controller 3 is continuously controlling the cycling of the heating element 4 at different control states during baking and self-cleaning operations.

Remark

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, i.e., EP '667 describes an oven cleaning process in which a heating element 4 is first switched off at a temperature of a porous plug (catalyst) in the range 450 °C to 600 °C, the oven center temperature perhaps being in the range 300 °C to 350 °C. See col. 3, lines 2-15. The heating element 4 is switched on and off to keep the porous plug temperature in the range 450 °C to 600 °C. See col. 3, lines 20-23. Towards the end of the cleaning process an end-point datum is identified when the difference between the temperature of the oven temperature sensor 12 and the porous plug temperature sensor 15 falls below a predetermined amount. See col. 3, lines 37-42). While the independent

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claim 9 of the present application recites ...generating a first electrical control signal based on a first control state, . . . the first control state being reached when a catalyst temperature is higher than an oven chamber temperature and a temperature difference between the catalyst temperature and the oven chamber temperature is greater than or equal to a first threshold value; and controlling the heating source using the first electrical control signal so that the oven chamber temperature is maintained substantially constant.

The Examiner disagrees because it is respectfully submitted that EP '667 does teach controlling the heating source based on a temperature difference between the catalyst temperature and the oven chamber temperature. Whether the temperature difference is greater than or equal to or less than (i.e., falls below a predetermined amount, column 3, lines 39-42) a first threshold value, there is always a electrical control signal to be generated based on such control state to control the heating source. The Examiner has recognized that the heating source can be controlled in different states such as ON and OFF states and as suggested by EP'677, when the difference between the temperature of the oven and the catalyst temperature falls (instead of being greater) below a predetermined amount (column 3, lines 37-42), perhaps, the heating source 4 will switch off and when such difference is greater the heating source will switch on (column 3, lines 20-29). Whether the heating source 4 is at On or Off state, it has clearly been controlled based on the temperature difference between the oven temperature and the catalyst temperature. Thus, the Examiner position is that at the Off state (i.e., a first control state), the heating source 4 is controlled by the first control signal generated when the temperature difference is greater than such predetermined amount or threshold value and at the On state, the heating source is controlled by another control signal generated when the temperature difference is falling below such predetermined threshold value and since such threshold value has not yet been predetermined or recited, whether the temperature difference is within the greater range or falling range of the predetermined amount would be within such "threshold value" and since the heating source has been controlled by such signal or state would have included both On and OFF states and it is clear that EP'667 has suggested so and therefore the withdrawal of the rejection of claims 9-19 under 35 U.S.C. 102(b) based on EP '667 is denied.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Furthermore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

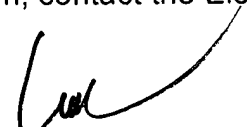
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Ba Hoang whose telephone number is (571) 272-4780. The examiner can normally be reached on Mon-fri from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu Ba Hoang
Primary Examiner
Art Unit 3742

October 25, 2005